

The opinion in support of the decision being entered today is not binding precedent of the Board.

Paper 27

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Filed: June 21, 2006

Board of Patent Appeals and Interferences  
U.S. Patent and Trademark Office  
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UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES  
(Administrative Patent Judge Richard E. Schafer)

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Olympus Optical Co., LTD.,  
Junior Party  
(Patent 5,701,202  
Named Inventor: Koichi Takahashi)

v.

Canon Kabushiki Kaisha,  
Senior Party  
(Application 08/959,285  
Named Inventors: Shoici Yamazki and Takeshi Nishimura).

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Patent Interference No. 105,341 (RES)  
(Technology Center 2800)

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Before: SCHAFER, MOORE and NAGUMO, Administrative Patent Judges.  
SCHAFFER, Administrative Patent Judge.

**Judgment - Request for Adverse - Bd.R. 127(b)**

Olympus has requested entry of adverse judgment with respect to the subject matter of the Count. Paper 26.

Accordingly , it is

ORDERED that judgment on priority as to the subject matter of Counts 1 and 2 (Paper 1 pp. 3-4), is awarded against the junior party, Olympus Optical Co., LTD. (Patent 5,701,202);

FURTHER ORDERED that junior party, Olympus Optical Co., LTD., is not entitled to a patent containing claims 4-20 and 28-33 (corresponding to Count 1) and claims 1-3 and 21-27 (corresponding to Count 2) of Patent 5,701,202;

FURTHER ORDERED that a copy of this judgment be made of record in the files of U.S. Patent 5,701,202 and Application 08/959,285;

FURTHER ORDERED that if there is any settlement agreement which has not been filed, attention is directed to 35 U.S.C. § 135(c) and 37 CFR § 41.205.

<u>/Richard E. Schafer/</u>	)
RICHARD E. SCHAFER	)
Administrative Patent Judge	)
	)
<u>/James T. Moore/</u>	) BOARD OF PATENT
JAMES T. MOORE	) APPEALS AND
Administrative Patent Judge	) INTERFERENCES
	)
<u>/Mark Nagumo/</u>	)
MARK NAGUMO	)
Administrative Patent Judge	)

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**Despertt, Sonja**

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**From:** Despertt, Sonja on behalf of Interference Trial Section  
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**Subject:** Interference 105343 (RES) Paper No. 27 - Judgment-Request for Adverse-Bd.R. 127(b)



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